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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

10 GRADY JACKSON, in his representative
11 capacity pursuant to Cal. Bus. & Prof. Code
12 §§17203, 17535 and Cal. Code Civ Pro. §§
382, 1021.5,

Plaintiffs

V.

BALANCED HEATH PRODUCTS, INC., a Delaware Corporation; NIKKI HASKELL, an individual; GENERAL NUTRITION CORPORATION, a Pennsylvania Corporation; GENERAL NUTRITION CENTERS, INC., a Pennsylvania Corporation; GREAT EARTH COMPANIES INC., a Delaware Corporation; VITAMIN SHOPPE INDUSTRIES, Inc., a New York Corporation; and DOES 1-50, inclusive,

Defendants.

CASE NO. C 08-05584-CW

Unlimited Civil Case

**STIPULATION TO DISMISS
DEFENDANT GREAT EARTH
COMPANIES INC. WITHOUT
PREJUDICE PURSUANT TO F.R.C.P.
§ 41; and, ORDER**

1 Plaintiff Grady Jackson and Defendant Great Earth Companies, Inc., by and through
2 undersigned counsel, hereby stipulate pursuant to Federal Rule of Civil Procedure §41 to dismiss
3 this matter without prejudice against Defendant Great Earth Companies, Inc. only. Defendant
4 Great Earth Companies, Inc. has not yet filed a responsive pleading to the Complaint in this
5 matter.

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DATED: February 12, 2009

PINNACLE LAW GROUP LLP

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By: /s/ Eric J. Farber
Eric J. Farber
Attorneys for Plaintiff

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DATED: February 12, 2009

LAW OFFICES OF JAY GELLAR

By: /s/ Jay Gellar
Jay Gellar, Esq.
Specially appearing on behalf of
Defendant Great Earth Companies, Inc.

ORDER

Good cause appearing, the complaint against Defendant Great Earth Companies, Inc. is
hereby Dismissed without Prejudice.

Dated: 2/18/09



The Honorable Claudia Wilken
Judge of the United States District Court